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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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MAR 28 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Application of ) CC Docket No. 94-11  
)  
**TELEPHONE AND DATA SYSTEMS,** ) File No. 10209-CL-P-715-B-88  
**INC.** )  
)  
For facilities in the Domestic Public )  
Cellular Telecommunications Radio Service )  
on Frequency Block B, in Market 715, )  
Wisconsin 8 (Vernon), Rural Service Area )

To: Honorable Joseph P. Gonzalez  
Administrative Law Judge

**COMMON CARRIER BUREAU'S COMMENTS ON WISCONSIN RSA #8, INC.'S  
MOTION FOR LEAVE TO INTERVENE AND REQUEST FOR CLARIFICATION**

On March 17, 1994, Wisconsin RSA #8, Inc. (WRSA) filed a motion for leave to intervene in the captioned proceeding. The Acting Chief, Common Carrier Bureau (Bureau) does not oppose WRSA's intervention, but requests clarification on the capacity in which WRSA intends to be a party.

1. Telephone and Data Systems, Inc. (TDS) applied for the wireline cellular authority in the Wisconsin 8 Rural Service Area. TDS's application was initially found acceptable and TDS was granted an authorization. See Telephone and Data Systems, Inc., 4 FCC Rcd 8021 (Mobile Serv. Div. 1989). TDS, thereafter, assigned its authorization in the Wisconsin 8 market to its wholly owned subsidiary WRSA. The Commission granted this assignment on February 21, 1991.<sup>1</sup> Then, TDS transferred control of WRSA to another subsidiary, United States Cellular

<sup>1</sup> See Public Notice, Report No. CL-91-92 (released Feb. 22, 1991).

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Corporation (USCC). The Commission granted this transfer of control on May 18, 1992.<sup>2</sup> Therefore, WRSA is the current permit holder in the Wisconsin 8 market.<sup>3</sup> Accordingly, the Bureau does not object to WRSA's intervention.

2. The Bureau does, however, seek clarification on the capacity in which WRSA intends to be a party. WRSA's parent company, USCC, is already a party; as is USCC's parent company, TDS. The Bureau requests clarification as to whether WRSA intends to be a party separate and distinct from USCC and TDS. If such is the case, the Bureau objects. WRSA's interests are not separate and distinct from those of USCC and TDS. Accordingly, WRSA should not be permitted to file motions, including proposed findings of fact and conclusions of law, and otherwise be represented separately from USCC and TDS.

3. While the Bureau supports WRSA's intervention to join USCC and TDS in the presentation of their case, the Bureau does not support WRSA's intervention as a mechanism for the withdrawal of TDS as a party to this proceeding. As detailed in the Bureau's Comments on TDS's Motion for Modification of Issues and Caption filed on this date, the Bureau believes that the HDO makes it clear that the scope of the issues reaches beyond TDS's qualifications to be the licensee in the Wisconsin 8 market only. Instead, the HDO requires an inquiry into TDS's basic character qualifications.<sup>4</sup> Therefore, WRSA should not be permitted to intervene as a substitute for TDS.

For the reasons stated above, the Bureau generally supports WRSA's intervention in the

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<sup>2</sup> See Public Notice, Report No. CL-92-93 (released May 19, 1992).

<sup>3</sup> However, in Telephone and Data Systems, Inc., FCC 94-29 (1994) (HDO) at ¶¶ 33, 41, 42, the Commission set aside the granted and accorded interim authority to TDS.

<sup>4</sup> See e.g., HDO at ¶¶ 1, 33.

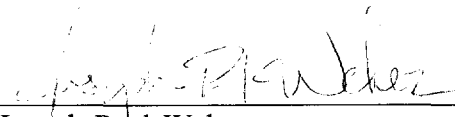
captioned proceeding. However, the Bureau requests clarification from WRSA as to its intentions as a party to this proceeding.

Respectfully submitted,

A. Richard Metzger, Jr.  
Acting Chief, Common Carrier Bureau

March 28, 1994

By:

  
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Joseph Paul Weber  
Trial Attorney

## CERTIFICATE OF SERVICE

I, Elizabeth Williams, do hereby certify that on March 28, 1994, copies of the foregoing Comments on Wisconsin RSA #8, Inc.'s Motion for Leave to Intervene and Request for Clarification were served by first-class mail, U.S. Government frank, except as otherwise noted, on the following parties:

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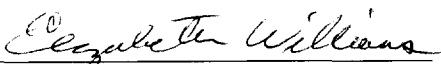
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